

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

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In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>  
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PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 7776, 8246, 8317,  
8399**

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO

Debtor.  
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PROMESA

Title III

No. 17 BK 3283-LTS

**This document relates only to the  
Commonwealth and shall only be  
filed in the lead Case No. 17 BK  
3283-LTS.**

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

**INFORMATIVE MOTION OF THE COMMONWEALTH OF PUERTO RICO  
IN COMPLIANCE WITH ORDER REGARDING HIRAM PEREZ-SOTO'S MOTION  
FOR RELIEF FROM AUTOMATIC STAY**

To the Honorable United States District Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the "Commonwealth"), through the undersigned counsel, hereby states and prays as follows:<sup>2</sup>

1. On July 1, 2019, Hiram Pérez-Soto (the "Movant") filed the *Motion to Lift Automatic Stay and/or to Ask the Court that It Is Not Applicable in This Case* [ECF No. 7776] (the "Motion") seeking an order lifting the automatic stay with respect to the case captioned *Hiram Perez-Soto v. Judges of the Supreme Court et al.*, Case No. 19-1266 (the "Litigation") pending in the United States District Court for the District of Puerto Rico (the "District Court").

2. On July 24, 2019, the Commonwealth filed the *Objection of the Commonwealth of Puerto Rico to Motion to Lift Automatic Stay And/Or To Ask the Court That It Is No Applicable In This Case Filed by Hiram Pérez-Soto* (the "Objection") [ECF No. 8246].

3. On July 29, 2019, Movant filed the *Motion Complying with the Order of the Honorable Court Stating Our Position of Inapplicability of the Automatic Stay* (the "Reply") [ECF No. 8317].

4. On August 8, 2019, the Court entered an *Order Regarding Hiram Pérez-Soto's Motion for Relief from Automatic Stay* [ECF No. 8399] (the "Order") directing the Commonwealth to:

- a. file an informative motion regarding the status of its discussions with the Movant;
- b. if no agreement with respect to the resolution of the Motion is reached, indicate whether it would object to the Litigation proceeding to judgment as against:

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<sup>2</sup> The Financial Oversight and Management Board for Puerto Rico, as the Commonwealth's representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* ("PROMESA"), has authorized the Department of Justice to file this Informative Motion on behalf of the Commonwealth.

- (i) those former Commonwealth officers or employees;
    - (ii) those defendants who are Commonwealth officers or employees, and;
    - (iii) those defendants who are not, and were never, Commonwealth officers or employees.
  - c. clarify whether it would object to the execution and enforcement of any non-monetary relief sought by the Movant in the Litigation.
5. In compliance with the Order, the Commonwealth hereby informs that:
- a. No agreement has been reached with the Movant in connection with the Motion.
  - b. The Commonwealth does not object to allowing the Litigation to proceed to judgment against (i) those defendants who are current Commonwealth officers or employees, (ii) those defendants who are former Commonwealth officers or employees, and (iii) those defendants who are not, and were never, Commonwealth officers or employees.<sup>3</sup>

6. Furthermore, the Commonwealth does not object to the execution and enforcement of any non-monetary relief sought by the Movant in the Litigation, as long as such relief does not entail the disbursement of funds belonging the Commonwealth or any other Title III Debtor for the implementation, enforcement, and/or execution of such non-monetary relief. The Commonwealth proposes that, if the automatic stay is lifted to allow the execution and enforcement of such non-monetary relief, in the event that such relief would require the expenditure of Debtor funds, the Commonwealth shall be permitted to send a notice to Movant identifying the non-monetary relief and providing a brief summary of the manner in which the Commonwealth believes the implementation, enforcement, and/or execution of such non-monetary relief requires the disbursement of funds belonging to the Commonwealth or any other Title III Debtor. Upon receipt of such notice, the execution and enforcement of such non-monetary

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<sup>3</sup> The Department of Justice of the Commonwealth of Puerto Rico does not provide legal representation to defendants who are not, and never were, Commonwealth officers or employees.

relief shall be stayed, and Movant may file a motion for relief from the automatic stay in accordance with the Case Management Procedures.<sup>4</sup>

*[Remainder of Page Intentionally Left Blank]*

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<sup>4</sup> Similar relief was provided in the *Stipulation Between the Commonwealth of Puerto Rico and CBA Counterparties Regarding Certain Grievance and Arbitration Procedures* [ECF NO. 2692-1] ¶ 2.

Dated: August 15, 2019.  
San Juan, Puerto Rico

Respectfully submitted,

**GRISEL SANTIAGO CALDERÓN**  
Secretary of Justice

**WANDYMAR BURGOS VARGAS**  
Deputy Secretary in Charge of  
Litigation  
Department of Justice

/s/ Susana I. Peñagaricano-Brown  
**SUSANA PEÑAGARÍCANO BROWN**  
Director of Federal Litigation  
and Bankruptcy Division  
USDC NO. 219907  
Puerto Rico Department of Justice  
Federal Litigation Division  
PO Box 9020192  
San Juan, PR, 00902-0192  
Tel. (787) 459-2799  
*Counsel for Defendants*